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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,636	07/03/2001	Richard C. Notargiacomo	83036F-P	9660

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 12/30/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,636

Applicant(s)

NOTARGIACOMO ET AL.

Examiner

Jean B Fleurantin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-16, 19, 20, 22-33 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-16, 19, 20, 22-33, 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. Claim 37 is added.

Claims 1-37 remain pending for examination. Examiner discusses the newly added limitations of claim 37 in the following rejection

Response to Applicant' Remarks

2. Applicant's arguments, see pages 13-15, filed October 9, 2003, with respect to claims 1-12, 14-16, 19, 20, 22-33, 35-37 have been fully considered but are not persuasive because of following:

A. In response to applicant's arguments on page 13, that there is no teaching or suggestion of "providing a unique address that allows direct access to different sites for the same individual." It is respectfully submitted that the Mindrum reference discloses the claimed limitations as follow: "a method for capturing and distributing memories of a deceased individual" as the information about the deceased individual stored therein, (see figure 2, col. 5, lines 31-34), comprising the steps of "providing an electronic storage memory database that can be accessed over a communication network" as the information is stored in a central database 50, in which information about the individual can be accessible through any kind of remote computer link over the Internet, and can be accessed and used, (see col. 5, lines 61-63), "for displaying at least two web pages for said deceased individual" as the continue button 245 allows the user to page through multiple medical recordations, (see col. 17, lines 45-47). Mindrum does not explicitly disclose said web pages each having a unique address for accessing information

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with respect to said deceased individual and providing restrictive access. On the other hand, Mindrum discloses steps of attempting to access enters the internet and finds the central office web site, which the person attempting access will typically be required to sign on and enter name and passwords, (see col. 12, line 64 to col. 13, lines 5). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the teachings of Mindrum with said web pages each having a unique address for accessing information with respect to said deceased individual and providing restrictive access. Such modification would allow the teachings of Mindrum to improve the reliability of the method and system for capturing memories of deceased individuals, and to provide a method for presenting information about an entity, (see col. 2, lines 6-7).

Applicant's arguments, on page 13, with respect to claim 3 have been fully considered but, have been found persuasive only to the extent that the prior art of record does not specifically teach the limitations "wherein there is provided an information card that includes scannable data that can be scanned for allowing automatic direct access to at least one of said unique addresses for user card." However, Doyle teaches such limitations.

Thus, although Mindrum does not explicitly teach the claimed invention, it teaches the system in the art, see column 2, line 3 to column 3, line 65.

The claim does not capture the essence of the invention as argued in the Applicant(s)' remark page 9. Actually the Applicant(s)' is/are interpreting the claim narrow using the specification without considering the broad teachings of reference in the rejection.

Interpretation of Claims-Broadest Reasonable Interpretation, see MPEP 2111. During patent examination, the pending claims must be 'given the broadest reasonable interpretation

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consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Therefore, the rejection in last Office Action maintains.

Claim Rejections – 35 USC § 103

B. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 9-11, 14, 15 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,340,978 issued to Mindrum ("hereinafter Mindrum").

As per claim 1, Mindrum discloses "a method for capturing and distributing memories of a deceased individual" as the information about the deceased individual stored therein, (see figure 2, col. 5, lines 31-34), comprising the steps of "providing an electronic storage memory database that can be accessed over a communication network" as the information is stored in a central database 50, in which information about the individual can be accessible through any kind of remote computer link over the Internet, and can be accessed and used, (see col. 5, lines 61-63), "for displaying at least two web pages for said deceased individual" as the continue button 245 allows the user to page through multiple medical recordations (see col. 17, lines 45-

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47). Mindrum does not explicitly disclose said web pages each having a unique address for accessing information with respect to said deceased individual and providing restrictive access.

However, Mindrum discloses steps of attempting to access enters the internet and finds the central office web site, which the person attempting access will typically be required to sign on and enter name and passwords, (see col. 12, line 64 to col. 13, lines 5). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the teachings of Mindrum with said web pages each having a unique address for accessing information with respect to said deceased individual and providing restrictive access. Such modification would allow the teachings of Mindrum to improve the reliability of the method and system for capturing memories of deceased individuals, and to provide a method for presenting information about an entity, (see col. 2, lines 6-7).

As per claim 2, the limitations of claim 2 are rejected in the analysis of claim 1, and this claim is rejected on that basis.

As per claim 4, Mindrum discloses “wherein said means for accessing said database is provided when the deceased is being presented for viewing”, (see col. 6, lines 5-14).

As per claim 5, in addition to claim 1, Mindrum further discloses “information is provided to users when the deceased individual is being presented for viewing”, (see figure 5, col. 5, lines 5-10).

As per claim 9, Mindrum discloses “wherein said web page provides may any one of the following: text, image, or sound”, (see col. 11, lines 48-61).

As per claim 10, Mindrum discloses “wherein said web page provides multi-media information”, (see col. 11, lines 48-61).

As per claim 11, Mindrum discloses “wherein one of said web pages is a public page and wherein at least one other of said pages comprises a private web page” as the information would be secured with two levels including confidential information accessible for family use only and public information accessible to anyone, (see cols. 5-6, lines 65-1).

As per claim 14, in addition to the discussion in claim 1, Mindrum further discloses “providing ordering means for ordering goods and/or services with respect to the information being displayed on the web page and a gatekeeper for having editorial control over entry of said data” as the person attempting to access enters the Internet and finds the central office web site, once in the web site the person attempting access will typically be required to sign on and enter his or her name and any appropriate passwords, the person attempting access interfaces on the office side 81 through the Internet server 121, in which an accessible information file is transferred from the on-line permanent storage 120, this information file 121 interfaces with the Internet server and provides the information which the user is presented, (see cols. 12-13, lines 64-10).

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As per claims 15 and 36, in addition to the discussion in claim 1, Mindrum Mindrum further discloses “providing ordering means for ordering goods and/or services with respect to the information being displayed on the web page” as the person attempting to access enters the Internet and finds the central office web site, once in the web site the person attempting access will typically be required to sign on and enter his or her name and any appropriate passwords, the person attempting access interfaces on the office side 81 through the Internet server 121, in which an accessible information file is transferred from the on-line permanent storage 120, this information file 121 interfaces with the Internet server and provides the information which the user is presented, (see cols. 12-13, lines 64-10).

As per claim 37, Mindrum discloses “wherein said means for ordering goods and/or services comprises a link to a third party site that can provide said goods and/or services”, (see col. 8, lines 22-24).

C. Claims 3, 6-8, 12, 16, 19, 20, 22-27, 28-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,340,978 issued to Mindrum (“hereinafter Mindrum”) in view of U.S. Patent No. 6,438,550 issued to Doyle et al. (“hereinafter Doyle”).

As per claims 3 and 6, in addition to the discussion in claim 1, Mindrum discloses the claimed subject matter except the claimed wherein there is provided an information card that includes scannable data that can be scanned for allowing automatic direct access to at least one of said unique addresses for user card. However, Doyle discloses a user may decide to gain

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access to client using smart card, by using smart card client may initiate an application within applications to prompt the user for a personal identification number to be returned to the smart card in order to gain access to server, (see Doyle col. 6, lines 36-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the teachings of Mindrum and Doyle with providing an access card. Such modification would allow the combined teachings of Mindrum and Doyle to improve the reliability of the method and system for capturing memories of deceased individuals, and to provide a method and apparatus for client authentication and using smart cards, (see col. 1, lines 11-12).

As per claim 7, Mindrum discloses “wherein said web page includes a template which setting forth the manner and structure of the web page”, (see col. 12-13, lines 64-5).

As per claim 8, Mindrum discloses “wherein said web page is hosted by a business establishment having a plurality of such web pages for a plurality of different deceased individuals” as the continue button 245 allows the user to page through multiple medical recordations, (see col. 17, lines 45-47).

As per claims 12, 16 and 28, in addition to the discussion in claim 1, Mindrum discloses the claimed subject matter except the claimed providing an access card wherein the unique address of said web page is provided that allow direct access to said web page. However, Doyle discloses a user may decide to gain access to client using smart card, by using smart card client may initiate an application within applications to prompt the user for a personal identification

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number to be returned to the smart card in order to gain access to server, (see Doyle col. 6, lines 36-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the teachings of Mindrum and Doyle with providing an access card. Such modification would allow the combined teachings of Mindrum and Doyle to improve the reliability of the method and system for capturing memories of deceased individuals, and to provide a method and apparatus for client authentication and using smart cards, (see col. 1, lines 11-12).

As per claim 19, Mindrum discloses “wherein said means for accessing said database is provided when the deceased is being presented for viewing”, (see col. 6, lines 5-14).

As per claim 20, in addition to claim 1, Mindrum further discloses “information is provided to users when the deceased individual is being presented for viewing”, (see figure 5, col. 5, lines 5-10).

As per claim 22, Mindrum discloses “wherein said web page includes a template which setting forth the manner and structure of the web page”, (see col. 12-13, lines 64-5).

As per claim 23, Mindrum discloses “wherein said web page is hosted by a business establishment having a plurality of such web pages for a plurality of different deceased individuals” as the continue button 245 allows the user to page through multiple medical recordations, (see col. 17, lines 45-47).

As per claims 24 and 32, Mindrum discloses “wherein said electronic database is accessed by a Kiosk”, (see col. 14, lines 41-44).

As per claim 25, Mindrum discloses “wherein said electronic database is accessed by personal computer at location remote from said electronic data base”, (see col. 5, lines 1-12).

As per claim 26, Mindrum discloses “wherein said web page provides multi-media information”, (see col. 11, lines 48-61).

As per claim 27, Mindrum discloses “wherein one of said web pages is a public page and wherein at least one other of said pages comprises a private web page” as the information would be secured with two levels including confidential information accessible for family use only and public information accessible to anyone, (see cols. 5-6, lines 65-1).

As per claim 29, Mindrum discloses “a method further comprising a remote communication device for communication with said electronic storage memory data base over said communication network” as the information is stored in a central database 50, information about the individual can be accessible through any kind of remote computer link such as over the Internet, and can be accessed and used, (see col. 5, lines 61-63).

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As per claim 30, the limitations of claim 30 are rejected in the analysis of claim 1, and this claim is rejected on that basis.

As per claim 31, the limitations of claim 31 are rejected in the analysis of claim 1, and this claim is rejected on that basis.

As per claim 33, in addition to the discussion in claim 12, Mindrum further discloses “wherein said Kiosk”, (see col. 14, lines 41-44).

As per claim 35, Mindrum discloses “wherein said includes a machine-readable code which provides information for said automatic access”, (see col. 13, lines 21-31).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Contact Information


4. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mr. BREENE JOHN E can be reached at (703) 305-9790. The FAX phone numbers for the Group 2100 Customer Service Center are: After *Final* (703) 746-7238, *Official* (703) 746-7239, and *Non-Official* (703) 746-7240. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "DRAFT".

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.


Jean Bolte Fleurantin

2003-12-18


SHAHID ALAM
PRIMARY EXAMINER